REMARKS

Reconsideration of the application is respectfully requested.

I. Status of the Claims

Claims 1-3 and 5-7 were previously canceled.

Claims 4, 8-10 are currently pending.

No amendments are made by the present application. The claims are presented as a courtesy to the Examiner.

II. Rejections under 35 U.S.C. §103

Claims 4, 8 and 9 were rejected under 35 U.S.C. § 103(a) as unpatentable over Jessup et al. (U.S. Patent No. 6,039,716, herein "Jessup") in view of Mitchell et al. (U.S. Patent No. 5,637,106, herein "Mitchell"). Further, claim 10 was rejected under 35 U.S.C. § 103(a) as unpatentable over Jessup in view of Mitchell, and further in view of Osborn, III et al. (U.S. Patent No. 5,885,265, herein "Osborn"). Applicant respectfully traverses the above rejections.

Independent claim 8 is directed to a sanitary tampon, and includes, among others, the features that the absorber is folded along three fold lines extending in the longitudinal direction of the absorber to have three clefts defined between adjacent folds and then compressed over the length into a column shape with the three clefts opening on a column surface.

Accordingly, as shown in Fig. 5 of the present application for example, the small recesses (3) are dispersed not only in the column surface, but also in the inside portions (1a, 1c) in the longitudinal direction of the column-shaped tampon (1). Thus, the menstrual blood is effectively

absorbed into the absorbent layer (20) through the small recesses (3) located in the inside portions (1a, 1c) in the longitudinal direction of the column-shaped tampon (1).[1]

The Examiner asserts that "Jessup teaches flat absorbent member 12 that is rolled and then compressed into an 'M-shaped' pledget 50 (FIGS. 7, 8, 10, 12) for use as a tampon." However, as in the Applicant's response filed on March 3, 2006, Applicant again submits that Jessup merely describes an absorbent member (12) rolled into a cylindrical softwind (22) and compressed into an M-shape by folding along three fold lines (28, 30, 32) perpendicular to the longitudinal direction of the cylindrical softwind (22), as shown in FIGS. 1-8. In this regard, the Examiner does not assert in the outstanding Office Action that Jessup discloses that the absorbent member (12) is compressed into the M-shape in the longitudinal direction of the cylindrical softwind (22). The crux of the invention in Jessup is to expand outward and laterally to the M-shaped profile. This expansion is designed to allow the tampon (62) to form a bridge across the vaginal cavity immediately below the cervix, as illustrated in FIGS. 14-16, and described at column 10, line 32 to column 11, line 4. It is impossible for the tampon in Jessup to expand as disclosed and suggested, and to fbe folded along fold lines in the longitudinal direction. In Jessup, all of the folds (28, 30, 32) are across the short axis of the tampon (62).

Therefore, in contrast to the present invention recited in claim 8, Jessup does not teach or suggest that the absorber is folded along three fold lines extending in the longitudinal direction of the absorber to have three clefts defined between adjacent folds and then compressed over the length into a column shape with the three clefts opening on the column surface. Accordingly, the present invention recited in claim 8 is patentably distinguishable over the teachings of Jessup.

[1] See the Specification, page 13, line 21 to page 14, line 7, for example.

With respect to Mitchell, the Examiner cites Mitchell merely to assert that "Mitchell teaches an absorbent insert that comprises a topsheet and backsheet and absorbent core, and that said insert material, in its flat unrolled state is subject to embossing to produce transfer sites through which liquid is transferred away from the user."[2] Mitchell does not teach or suggest that the absorber is folded along three fold lines extending in the longitudinal direction of the absorber to have three clefts defined between adjacent folds and then compressed over the length into a column shape with the three clefts opening on the column surface. Accordingly, the present invention recited in claim 8 is patentably distinguishable over the teachings of Mitchell.

Therefore, even if the teachings of Mitchell are combined with the teachings of Jessup, the combined teachings of the cited references do not obviate the present invention recited in claim 8. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claim 4 and claims 8 and 9 dependent therefrom based on the cited references.

Turning now to the rejection of claim 10 based on the combined teachings of Jessup, Mitchell and Osborn, Applicant respectfully submits that claim 10 dependent from claim 8 is allowable at least for the above reasons advanced for claim 8.

With respect to Osborn, the Examiner states in the Response to Arguments at page 2 in the outstanding Office Action that "Osborn, by teaching a three longitudinally extending fold lines, teaches the limitation directed to these lines in claim 8, and fact that the pad taught by Osborn assumes a "tent-like shape" is immaterial, as the pad could be folded into an "M" configuration with equal capability."

[2] See the outstanding Office Action, page 3, line 13 to page 4, line 6.

However, the invention in Osborn is not a sanitary tampon to be inserted into a vagina for absorbing the menstrual blood, but an interlabial absorbent structure. As described at column 14, lines 56-59, and shown in Fig. 6 in Osborn, "the interlabial absorbent structure 20 is inserted so that it is worn between the wearer's labia minora N and labia majora J and blocks the wearer's vaginal introitus VI without entering the vagina past the hymenal ring H." Thus, in contrast to the present invention recited in claim 8, the interlabial absorbent structure 20 is not compressed over its length into a column shape with three clefts opening on the column surface so that it can be inserted into the vagina.

Accordingly, the interlabial absorbent structure in Osborn is concerned with being folded into the "tent-like shape" to conform to the wearer's anatomy (*see* col. 14, lines 24-45), rather than being compressed to increase absorption capacity when inserted to the vagina. Thus, it would not be obvious to one of ordinary skills in the art to fold the "tent-like shape" of the interlabial absorbent structure in Osborn further into a shape being folded along three fold lines extending in the longitudinal direction to have three clefts defined between adjacent folds and then compressed over the length into a column shape with the three clefts opening on the column surface, as recited in claim 8. Thus, Osborn fails to teach or suggest that the absorber is folded along three fold lines extending in a longitudinal direction of the absorber to have three clefts defined between adjacent folds and then compressed over the length into a column shape with the three clefts opening on the column surface, as recited in claim 8.

Therefore, even if the teachings of Jessup, Mitchell and Osborn are combined, the combined teachings of the cited references do not teach or suggest that "said absorber being folded along three fold lines extending in a longitudinal direction of said absorber to have three clefts defined between

adjacent folds and then compressed over the length into a column shape with the three clefts opening on a column surface," as recited in claim 8. Thus, claim 8 and claim 10 dependent therefrom are patentably distinguishable over the cited references.

Moreover, because Osborn teaches that "the interlabial absorbent structure 20 is inserted so that it is worn between the wearer's labia minora N and labia majora J and blocks the wearer's vaginal introitus VI without entering the vagina past the hymenal ring H," Osborn teaches away from the present invention recited in claim 8, which is a sanitary tampon to be inserted into a vagina. Thus, Osborn cannot be properly combined with Jessup for the purpose of folding the "tent-like shape" of the interlabial absorbent structure in Osborn further into a shape being folded along three fold lines extending in the longitudinal direction to have three clefts defined between adjacent folds and compressed over the length into a column shape with the three clefts opening on the column surface, as recited in claim 8. Also, as noted above, because folds in the longitudinal direction of a tampon would not expand as Jessup requires, the purpose of the invention in Jessup would be destroyed if combined with Osborn.

Accordingly, Applicant requests the withdrawal of the rejection of claim 10 based on the cited references.

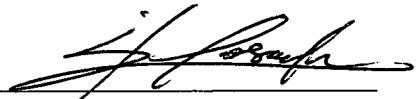
CONCLUSION

In view of the above amendments, Applicant believes the pending application is in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

The Examiner is respectfully requested to contact the undersigned at the telephone number indicated below once he has reviewed the proposed amendment if the Examiner believes any issue can be resolved through either a Supplemental Response or an Examiner's Amendment.

Dated: July 24, 2006

Respectfully submitted,

By 

Hiroyuki Yasuda
Registration No.: 55,751
DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257
(212) 527-7700
(212) 527-7701 (Fax)
Attorneys/Agents For Applicant